

REMARKS

In response to the action, Applicants have amended claims 1 to 6, 8 and 9 and added claims 11 and 12 for consideration. Applicants respectfully request reconsideration in view of the following remarks.

Applicants amended claim 1 to include a pH less than 7. The specification, at paragraph 38, lines 12 to 14, provides a basis for the limitation. In addition, amended claim 1 includes the quaternary ammonium salt. The specification at paragraph 46 provides a basis for the limitation. Applicants respectfully submit that the amended claims enter no new matter.

The action restricts the originally filed claims into three groups as follows: Group I abrasive-containing solution; Group II abrasive-free solution and Group III method claims. As part of the response to this action, Applicants have included an abrasive limitation in claim 5 and placed the solution particulars of claim 1 into method claim 9. Applicants respectfully request reconsideration of the restriction requirement in view of the new claim configuration.

The action rejects claims 1 to 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim subject matter of the invention. In particular, the action rejected the open Markush style language. In response Applicants have amended the claims to the format "[X] selected from A, B and C" form for exact consistency with the MPEP. The MPEP, Eighth Edition Revision 1, Volume II, Appendix AI (PCT) at pages AI-71 to AI-72 (Specifically, Example 20) and Training Materials For Examining Patent Applications with Respect to 35 U.S.C. Section 112, First Paragraph – Enablement Chemical/Biotechnical Applications, released August, 1996, [<http://www.uspto.gov/web/offices/pac/dapp/1pecba.htm>], (Specifically, Examples H and J) make it

clear that the phrase "X selected from A, B and C" is proper claim language. Therefore, Applicants respectfully submit that amended claims 1, 3 and 4 contain proper claim language under 35 U.S.C. § 112, second paragraph.

In addition, the action rejected claim 2's form under 35 U.S.C. § 112, second paragraph. Applicants have redrafted claim 2 in accordance with the Examiner's suggestion. Applicants respectfully submit that the amended claim 2 enters no new matter.

The action rejects claims 1, 3 and 4 under 35 U.S.C. § 103(a) in view of the 102(e) reference US Pat. Pub. No. 2004/0171265 (Ye et al.). This reference fails to teach the use of an imine or hydrazine derivative compound, operates at a basic pH, and does not disclose the use of an ammonium salt. Applicants respectfully submit that since Ye et al. fail to disclose several key aspects of the invention, it does not disclose claims 1, 3 or 4, as amended.

The action rejects claims 1 to 4 under 35 U.S.C. § 103(a) in view of US Pat. Pub. No. 2003/0181345 (Bian). The Bian '345 patent disclosure teaches a formulation that can slow TEOS removal rate to near zero—see Tables 2, 3 and 5. Applicants have discovered that an ammonium and salt in combination with an imine or hydrazine derivative at an acidic pH with an oxidizer will promote TEOS removal without a significant detrimental impact on other removal rates. Therefore, since the Bian reference teaches reducing TEOS removal rate, it teaches away from the present invention of using an ammonium salt. Thus, since Bian '345 does not disclose the beneficial effect of the ammonium salt and teaches away from increasing TEOS removal rate, Applicants respectfully submit that claims 1 to 4, as amended, are not obvious in view of the Bian reference.

The action rejects claims 1, 3 and 4 under 35 U.S.C. § 103(a) in view of US Pat. Pub. No. 2002/0031985 (Wang). This reference fails to teach the use of an imine or hydrazine

derivative compound and does not disclose the use of an ammonium salt. Applicants respectfully submit that since Wang fails to disclose or suggest key aspects of the invention, it does not render claims 1, 3 or 4, as amended, obvious.

The action rejects claims 1, 3 and 4 under 35 U.S.C. § 103(a) in view of US Pat. Pub. No. 2003/0178320 (Liu et al. '320). This reference fails to teach the use of an imine or hydrazine derivative compound and does not disclose the use of an ammonium salt. Applicants respectfully submit that since the Liu et al. '320 publication fails to disclose or suggest key aspects of the invention, it's insufficient to provide a prima facie case of obviousness for claims 1, 3 or 4, as amended.

The action rejects claims 1 to 4 under 35 U.S.C. § 103(a) in view of WO 01/12740 (WO '740). This publication teaches the use different amine additive for copper removal in the presence of tantalum. This reference fails to teach or suggest the use of an imine or hydrazine derivative compound for tantalum selectivity with the use of an ammonium salt for promoting TEOS removal. Thus, since WO '740 fails to disclose or suggest the use of an imine or hydrazine derivative compound for tantalum selectivity with the use of an ammonium salt for promoting TEOS removal, it fails to provide obviousness under 35 U.S.C. § 103(a) for claims 1 to 4, as amended.

The action rejects claims 1 to 4 under 35 U.S.C. § 103(a) in view of EP 1072662 (EP '662). This reference fails to teach or suggest the use of an imine or hydrazine derivative compound for tantalum selectivity with the use of an ammonium salt for promoting TEOS removal. Thus, since EP '662 fails to disclose or suggest the use of an imine or hydrazine derivative compound for tantalum selectivity with the use of an ammonium salt for promoting

TEOS removal, it's inadequate with respect to establishing obviousness for claims 1 to 4, as amended.

The action rejects claims 1 to 4 under 35 U.S.C. § 103(a) in view of US Pat. No. 6,436,834 (Lee et al. '834). This reference fails to teach or suggest the use of an imine or hydrazine derivative compound for tantalum selectivity with the use of an ammonium salt for promoting TEOS removal. Thus, since Lee et al. the '834 patent fails to disclose or suggest the use of an imine or hydrazine derivative compound for tantalum selectivity with the use of an ammonium salt for promoting TEOS removal, it fails to establish obviousness of the amended claims.

The action rejects claims 1, 3 and 4 for obviousness-type double patenting in view of US. Pat. Pub. No. 2004/0171265 (Ye et al.). This reference fails to claim or teach the use of an imine or hydrazine derivative compound, operates at a basic pH, and does not disclose the use of an ammonium salt. Applicants respectfully submit that since Ye et al. fail to claim several key aspects of the invention, there is no double patenting issue with respect to claims 1, 3 or 4, as amended.

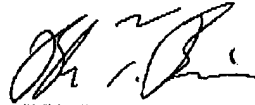
The action rejects claims 1 to 4 for obviousness-type double patenting in view of US Pat. Pub. No. 2003/0181345 (Bian). The Bian '345 patent application, as amended, claims an oxidizer-free solution. Therefore, since the Bian reference teaches an oxidizer-free solution, it teaches away from the present invention of an oxidizer. Thus, since Bian '345 does not claim the use of an oxidizer-containing solution, Applicants respectfully submit that there is no obvious-type double patent with respect to claims 1 to 4, as amended.

Applicants respectfully request reconsideration of the amended claims. If a telephone call would expedite matters, then please call me at 302-283-2136.

Respectfully submitted,

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Date



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